

16-518 DISTRICT "M-1" RESTRICTED INDUSTRY DISTRICT.

518.1 INTENT. The "M-1" Light Industrial District is intended for the purpose of allowing certain industrial uses which do not:

- A. Require intensive land coverage.
- B. Generate large volumes of vehicular traffic.
- C. Create obnoxious sounds, glare, dust or odor.

Height and land coverage are controlled to insure compatibility with adjoining uses.

(Ord. 2017, Sec. 1)

518.2 PERMITTED USES. In District "M-1" no building, structure, land or premises shall be used and no building or structure shall be here after erected, constructed, moved, or altered, except for one or more of the following uses. Commercial development should be limited to those uses to serve the businesses, employees and visitors to the industrial area:

- A. Assembly halls and convention centers.
- B. Broadcasting studios and cable TV services.
- C. Business supply services.
- D. Catalog and mail order services.
- E. Clubs or lodges.
- F. College or university.
- G. Commercial bakeries.
- H. Commercial pick-up-or delivery services.
- I. Consumer repair services.
- J. Contractors services, yards and storage.
- K. Dry cleaning and laundries warehouse facilities (no retail).
- L. Convenience stores with gas sales.
- M. Laboratories.
- N. Manufacturing, processing, fabricating or assembling of any commodity or product for sale at retail or wholesale except junk or salvage.
- O. Mini-warehouses.
- P. Motor vehicle tow lots, except salvage.
- Q. Offices.
- R. Printing and publishing.

- S. Public and private utility facilities and governmental maintenance facilities, including the outdoor screened storage of and maintenance of motor vehicles and equipment.
 - T. Public parks.
 - U. Public safety services.
 - V. Public utility substations and communication facilities.
 - W. Repair and servicing of motor vehicles, machinery, and equipment of all types, including body shops, paint shops, transmission shops, and facilities for engine overhauls.
 - X. Research services.
 - Y. Retail nurseries, lawn and garden supplies.
 - Z. Retail sales of commodities manufactured, processed, fabricated, assembled, warehoused or stored on the permits.
 - AA. Sign painting and fabrication.
 - BB. Taxi & limousine dispatching centers.
 - CC. Vocational schools.
 - DD. Warehousing, wholesaling or storage of any commodity except junk or salvage.
 - EE. Wholesaling facilities.
 - FF. Auction yard and auction houses (non-livestock).
 - GG. Animal pounds and kennels within an enclosed building.
 - HH. Taxi and limousine storage and maintenance facilities.
- (Ord. 2017, Sec. 1)

518.3 **CONDITIONAL USES.** The following uses of land may be allowed in this district by conditional use permit when submitted to and reviewed and approved by the Planning Commission and the City Council.

- A. Health and fitness clubs, dance studios, martial arts clubs, and gymnasiums.
- B. Grain elevators.
- C. Livestock auction sales and/or sales of farm related products including seed and feed.
- D. Child care centers.
- E. Communication transmission towers and antennas over sixty feet (60').

1. The purpose and intent of this subsection is to provide for the safe and effective installation and operation of wireless communication antennas, accessory equipment, and support structures. Each application for a Conditional Use Permit for a communication tower shall be accompanied by the following information:
 - a. A site plan.
 - b. A report from a licensed professional structural engineer which describes the tower's capacity including the number and type of antennas it can accommodate.
 - c. A report indicating the justification of the site selected for the communication tower and comparing all potential sites with a one-half mile radius. The report shall indicate why any existing tower within the one-half mile radius cannot be utilized by the applicant.
 - d. A photo simulation of the proposed facility from affected properties and the public right-of-way may be required.
 - e. An explanation of the need for the facility to maintain the integrity of the communication system. A map showing the service area of the proposed tower shall be submitted.
 - f. A signed statement from the applicant indicating the intention to share space on the tower with other carriers.
 - g. A copy of the lease between the applicant and the landowner. The lease shall contain the following provisions:
 1. The landowner and the applicant shall have the ability to enter into a lease with other carriers for co-location.
 2. The landowner shall be responsible for the removal of the communication tower or facility within six months (6) in the event the lessee fails to remove it upon abandonment.
2. Height - The maximum height which may be approved for a communication tower is 160 feet. A lightning rod, not to exceed ten feet (10'), shall not be included within the height limitation. All new towers in excess of 100 feet shall be designed to accommodate at least two (2) additional providers. The location of the additional antennas on a legally existing tower shall not require additional approval of the Planning Commission or City Council.
3. Setbacks - All towers and antennas shall meet the required setbacks of the zoning district. In addition to complying with the district regulations, the antenna shall be setback from the

property lines a distance equal to the height of the communication tower. A lesser setback may be approved with the Conditional Use Permit, upon demonstration by a licensed structural engineer registered in the state of Kansas that the fall zone of the communication tower is within the radius of the setback.

If the communication tower and antenna are setback less than the height of the tower or antenna, it shall be inspected and approved upon construction, by a licensed structural engineer, registered in the state of Kansas. Such towers shall be re-inspected every five (5) years to insure the structural integrity and safety of the antenna.

4. Tower Design - All communication towers shall be of a monopole design unless required by the Planning Commission or Governing Body to be architecturally compatible to surrounding development.
5. Tower Color - All communication tower and antenna structures shall be galvanized metal, except otherwise required by the Planning Commission or City Council. Exceptions may be granted, based on FAA or FCC regulations.
6. Equipment Storage - Mobile or immobile equipment not used in direct support of the tower facility shall not be stored or parked on the site of the communication tower unless repairs to the tower are being made.
7. Accessory Structures - All ground equipment shall be stored with a structure, built of materials compatible with the location and types of surrounding land uses. Use of metal buildings is prohibited.
8. Landscaping - All equipment buildings shall be screened with landscaping or fencing appropriate to the location and types of surrounding land uses. The site shall be landscaped per Section 16-1101 of the zoning ordinance.
9. Access - Access from a public or private roadway. The City Council may wave surfacing materials, curbing and storm water drainage requirements, if recommended by the Engineering Administrator.
10. Security Fencing - Sites shall be enclosed by security fencing to be indicated on the site plan.
11. Permitting - A building permit with structural and electrical drawings, sealed by licensed structural engineer registered in the state of Kansas, is required.

(Ord. 2017, Sec. 1)

518.4 INTENSITY OF USE REGULATIONS.

- A. MINIMUM LOT AREA: 10,000 square feet.

- B. MINIMUM LOT WIDTH: 100 feet. (Ord. 2017, Sec. 1)
- 518.5 HEIGHT REGULATIONS.
- A. MAXIMUM HEIGHT OF STRUCTURE: 50 feet within 150 feet of a residential district; 100 feet when more than 150 feet from a residential district. (Ord. 2017, Sec. 1)
- 518.6 YARD REGULATIONS.
- A. FRONT YARD: A front yard of not less than 50 feet shall be provided.
- B. SIDE YARD: No side yard shall be less than 10' except when adjacent to residential district then 20' shall be required.
- C. REAR YARD: No rear yard shall be less than 15' or twenty (20) percent of the depth of the lot except when adjacent to residential district then 20' shall be required. (Ord. 2017, Sec. 1)
- 518.7 USE LIMITATIONS.
- A. All operations and activities shall be conducted within a building or buildings. Storage may be maintained outside said buildings provided the view of said storage area is properly screened from adjacent streets and residential areas.
- B. Outdoor storage areas shall require a solid or semi-solid fence or wall at least six (6) feet, but not more than eight (8) feet high, and having a density of not less than eighty (80) percent per square foot, shall be provided adjacent to an adjoining residential district or adjacent to a street right-of-way. Said fence or wall shall be maintained in good condition by the owner or owners of the property in the "M-1" District.
- C. No building shall be used for residential purposes except that a watchman (single person) may reside on the premises for security purposes.
- D. All industries within this District shall comply fully with all applicable current Kansas Statutes, Federal Regulations and municipal ordinances regarding environmental controls, including but not limited to the following:
1. State of Kansas Air Pollution Emission Control Regulations.
 2. Kansas State Department of Health and Environment Minimum Standards for Design of Water Pollution Control Facilities.
 3. All applicable municipal ordinances and policies covering sewer use, effluent discharge and design and construction of facilities required for discharge of industrial wastes.

- E. Buildings should be oriented so that the front or side of the building faces the public street frontage of the property. In unique situations due to the design of the lot with double or triple frontages where it is necessary to orient a rear elevation towards a public street, all loading and services areas shall be screened from public view with landscaping, berming, facade walls, or fencing.

(Ord. 2017, Sec. 1)

518.8 PARKING AND LOADING REGULATIONS: Each establishment shall provide sufficient off-street parking space for all employees, customers, visitors and others who may spend time at said establishments during working hours. In no case shall less than five spaces be provided. Such parking area shall be surfaced with a permanent bituminous or Portland cement concrete pavement meeting the standards of the specifications of the City of Gardner and no portion of the parking area shall be closer than thirty (30) feet to a public street. (Ord. 2017, Sec. 1)

518.9 SIGN REGULATIONS. See Article 12. (Ord. 2017, Sec. 1)

518.10 LANDSCAPING. See Article 11. (Ord. 2017, Sec. 1)